

of a confidential foreign source or intelligence sources or methods is presumed to cause damage to the national security.

§ 17.88 Duration of classification.

(a) Foreign Government Information marked for automatic declassification shall be declassified unless extended by an authorized official of the originating agency.

(b) Unless classification guidelines developed pursuant to subpart B prescribed dates or events for declassification, Foreign Government Information may be classified by the Department as required by national security considerations.

§ 17.89 Systematic review.

(a) The Attorney General may, in consultation with the Archivist of the United States and, where appropriate, with the foreign governments or international organizations concerned, develop systematic review guidelines for 30-year old Foreign Government Information in the possession or under the control of the Department. These guidelines shall be kept current through review by the Attorney General at least once every five years unless earlier review for revision is requested by the Archivist of the United States.

(b) The Director, Office of Information and Privacy, shall perform administrative functions necessary to effect such review by the Attorney General.

(c) These guidelines shall be authorized for use by the Archivist of the United States and may, upon approval of the Attorney General, be used by any agency having custody of the same categories of information.

§ 17.90 Mandatory review.

(a) Requests for mandatory review for declassification of Foreign Government Information shall be processed and acted upon in accordance with the provisions of §§ 17.37 through 17.46, except that Foreign Government Information will be declassified only in accordance with the classification guidelines developed for such purpose and after necessary consultation with other Government agencies with subject matter interest.

(b) In cases where the above guidelines cannot be applied to the Foreign Government Information requested, or in the absence of such guidelines, consultation with the foreign originator through appropriate channels should be effected prior to final action on the request. When the responsible Office, Board, Division or Bureau is knowledgeable of the foreign originator's view toward declassification or continued classification of the types of information requested, consultation with the foreign originator may not be necessary.

(c) If the Office, Board, Division or Bureau receiving the mandatory review request did not receive or classify the Foreign Government Information, it shall refer the request to the appropriate agency for action. The agency that initially received or classified the Foreign Government Information shall be responsible for making a declassification determination after consultation with other concerned agencies.

§ 17.91 Equivalent United States classification designations.

Except for the foreign security classification designation "restricted," foreign classification designations, including those of international organizations of governments, i.e., NATO and CENTO, generally parallel United States classification designations.

§ 17.92 Marking other foreign government documents.

(a) If the security classification designation of foreign government documents is shown in English, no other classification marking shall be applied. If the security classification designation is not shown in English, the equivalent overall U.S. classification designation shall be marked conspicuously on the document. In those cases where foreign government documents are marked with a classification designation having no U.S. equivalent, such documents shall be marked and handled in accordance with § 17.92(b).

(b) Certain foreign governments and international organizations of governments use a fourth classification designation below Confidential. Such classification is frequently designated as

“Restricted” by such entities. If foreign government documents are marked with such a classification designation, whether or not in English, the U.S. classification marking Confidential shall be applied and the Foreign Government Information so designated shall be protected as U.S. Confidential information.

(c) Dates for declassification or for review for declassification shall be marked on foreign government documents only as required by §§17.88 and 17.89.

(d) In most cases, other marking requirements prescribed by this regulation for U.S. classified documents are not applicable to documents of foreign governments or international organizations of governments.

§17.93 Marking of Foreign Government Information in Department documents.

(a) When Department documents contain Foreign Government Information, the marking “FOREIGN GOVERNMENT INFORMATION” or a marking that otherwise indicates that the information is Foreign Government Information shall be shown on the face of the document.

(b) Where such markings would reveal Foreign Government Information incorporated into Department documents that must be concealed as to its source, the markings shall not be used.

(c) The requirement for portion markings may be satisfied by including the appropriate identification in the portion or paragraph classification markings, e.g., (NATO-S) or (U.K.-C).

§17.94 Other Foreign Government Information.

Classified Foreign Government Information held by an Office, Board, Division or Bureau shall be safeguarded or protected as prescribed by this regulation for United States classified information of a comparable level.

Subpart G—Access, Dissemination, and Accountability

§17.95 Policy.

(a) No person may be given access to classified information or material originated by, in the custody or under the control of the Department, unless

that person has been determined to be trustworthy and (except as provided in §17.96(e)) unless access is necessary for the performance of official duties. Procedures shall be established by the Security Program Managers of the Offices, Boards, Divisions and Bureaus to prevent any unnecessary access to classified information. No person is authorized to have access to classified information solely by virtue of rank or position. Accordingly, all requests from the heads of the Offices, Boards, Divisions and Bureaus to the Department Security Officer for a personnel security clearance shall contain a demonstrable need for access to classified information. Further, the number of persons cleared and granted access to classified information shall be maintained at the minimum number that is consistent with operational requirements and needs.

(b) The determination of trustworthiness for eligibility for access to classified information (referred to as a security clearance) shall be made by the Department Security Officer or his designee and shall be based on appropriate security background investigations in accordance with applicable Executive Orders, Department regulations, Intelligence Community directives and Office of Personnel Management guidelines. Current and valid clearances issued to persons by other agencies of the Executive Branch may be accepted, for access purposes only, in lieu of granting such clearances by the Department Security Officer. Such clearance certification shall be accomplished by the Department Security Officer, upon request.

(c) The Department Security Officer may delegate, in writing, the authority to grant Department employees security clearances to qualified Security Programs Managers when the operational need justifies such delegation and the Department Security Officer is assured that such officials shall continually apply all clearance criteria in a uniform and correct manner during the adjudication of personnel security investigations. In those instances where such authority is delegated, the Department Security Officer shall reserve